

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cassandra Fenkel	Team: Squad #14	CCRB Case #: 201708203	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 09/02/2017 3:00 PM	Location of Incident: University Place between East 10th Street and East 14th Street	Precinct: 06	18 Mo. SOL 3/2/2019	EO SOL 3/2/2019	
Date/Time CV Reported Thu, 10/05/2017 12:34 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 10/05/2017 12:34 PM		
Complainant/Victim	Type	Home Address			
Subject Officer(s)	Shield	TaxID	Command		
1. An officer					
Officer(s)	Allegation	Investigator Recommendation			
A. An officer	Abuse: An officer threatened to arrest § 87(2)(b)				

Case Summary

On October 5, 2017, § 87(2)(b) called the CCRB and filed this complaint.

On September 2, 2017, at approximately 3:00 p.m., § 87(2)(b) was walking on University Place in Manhattan, somewhere between East 10th Street and East 14th Street, when an unidentified officer allegedly threatened to arrest her (**Allegation A: Abuse of Authority**, § 87(2)(g)). No arrest or summonses resulted from this incident.

There is no video evidence in this case.

Findings and Recommendations

Allegation A – Abuse of Authority: An officer threatened to arrest § 87(2)(b)

§ 87(2)(b) (Board Review 01, Board Review 02) testified that she walked upon a demonstration taking place in the vicinity of University Place, somewhere between East 10th Street and East 14th Street. § 87(2)(b) was unable to provide a more specific incident location. § 87(2)(b) approached an unidentified officer standing on the sidewalk, described as a dark-haired white man with a medium build, standing approximately 6’ tall and dressed in uniform. § 87(2)(b) did not obtain this officer’s name or shield number. Two other unidentified officers walked nearby. § 87(2)(b) asked PO1 if the demonstration was “an anti-Trump, anti-war, peace, or human rights demonstration.” PO1 allegedly replied, “He is my president and for that, I am going to arrest you.” § 87(2)(b) extended her arms in the hope that PO1 would handcuff her, but he did not, so § 87(2)(b) walked away.

NYCityMaps (Board Review 03) revealed that the incident occurred within the confines of the 6th Precinct, but one block from its border with the 13th Precinct. Records requests from the 6th Precinct (Board Review 04), the 13th Precinct (Board Review 05), and Patrol Borough Manhattan South (Board Review 06) yielded negative results for any Detail Rosters, Unusual Occurrence Reports, and Special Instructions regarding any special events taking place on the day of the incident. A review of the Tour 2 and Tour 3 roll calls from the 6th Precinct and 13th Precinct yielded negative results for any officers assigned to any demonstration-related post. A review of the geographical sectors identified six officers assigned to that location, two of whom fit the generic description provided by § 87(2)(b). PO Matthew Pagano (Board Review 07) of the 13th Precinct and PO Eric Brand (Board Review 08) of the 6th Precinct were both interviewed but denied being present during this demonstration and denied ever threatening to arrest § 87(2)(b). PO Pagano and PO Brand’s memo book entries (Board Review 09, Board Review 10) are consistent with their testimonies and do not place them at the incident location.

The investigation identified the demonstration that § 87(2)(b) encountered to be “The Official Animal Rights March.” Though various YouTube videos depict portions of the demonstration, they do not capture this incident or any officers fitting § 87(2)(b)’s description of the officer involved in this incident (Board Review 11).

§ 87(2)(g)

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§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)

Mediation, Civil and Criminal Histories

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: #14

Investigator: _____

Signature _____ Print Title & Name _____ Date _____

Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature _____ Print Title & Name _____ Date _____